THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1491 of 2007

Dated: 29.01.2007

Between:

Thimmasaty Rajyam.

..... PETITIONER

AND

The District Level Committee, rep.by its Chairman,
Krishna District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.1491 of 2007

ORDER:

The petitioner is resident of Chityal Village. She claims

to be the Member of Mandal Parishad Territorial Constituency, Chityal of Vatsavai Mandal. Feeling aggrieved by the auction notice dated 06.01.2007 issued by second respondent proposing to conduct auction of three sand reaches on 24.01.2007, instant writ petition is filed seeking invalidation of the action by the respondents.

The petitioner states that the Executive Engineer, fourth respondent herein, has been requesting the Department of Mines not to permit sand quarrying in reaches at Damuluru (Ibrahimpatnam Mandal) and Polampalli and Lingala (Vatsavai Mandal) in Krishna District. It is also alleged that the District Collector issued proceedings 29.04.2002 denotifying the area under Rule 9-V of the Andhra Pradesh Minor Mineral Concession Rules, 1966 (the Rules, for brevity) and prohibiting auction of sand reaches, and therefore, as per Rule 9-V of the Rules, no auction can be conducted. Reliance is also placed on the report of the Deputy Executive Engineer of Andhra Pradesh State Irrigation Development Corporation (APSIDC) dated 17.01.2007 in support of the contention that if the auction is conducted on 24.01.2007, the entire farming community would suffer hardship.

After hearing the learned counsel for the petitioner, this Court is convinced that the writ petition is misconceived for two reasons. First, as per the proceedings of the District Collector dated 29.04.2002, which are annexed to the writ petition, the Lingala and Singavaram sand reaches in Vatsavai Mandal were denotified for the reason that there are no sand deposits in said reaches beyond 500 meters from lift irrigation scheme. These proceedings were preceded by joint inspection by Assistant Director of Mines and Geology, Divisional Panchayat Officer, Vijayawada and Mandal Revenue Officer, Vatsavai. Subsequent proceedings, if any, are not placed before this Court. Secondly, the letter of the Deputy Executive Engineer dated 17.01.2007 addressed to fourth respondent would show that there was indeed auction of sand reaches in the Villages subsequent to 2002 (for whatever reason that be) and that is the reason why the Deputy Executive Engineer addressed fourth respondent to take up with District Panchayat Office to drop the proposals to conduct auction. If the proceedings of the District Collector dated 29.04.2002 are still in force, there was no necessity for the Deputy Executive Engineer to address fourth respondent to take up action for prohibiting sand quarrying. Apart from these reasons, the petitioner is resident of Chityal Village and at present there is no proposal to auction sand reaches in said Village. Therefore, the petitioner lacks *locus standi* to question

the auction. Lastly, the auction was scheduled on 24.01.2007 on which day this writ petition is filed.

The writ petition is, therefore, dismissed. No costs.

(**V.V.S.RAO, J**)

29th January, 2007
ghn